

## LEGAL

City Attorneys represent the City's interests in all courts in New Mexico, before administrative bodies and other tribunals including legislative bodies, and are responsible for oversight of the civil lawsuits filed against all City Departments. In addition to trial work, the Legal Services Division advises clients on "liability avoidance" in all employment matters, protection of environmental resources, the management of risk in the operation of City services, and land use civil rights matters. To improve neighborhood quality of life and public safety, the Safe City Strike Force Program targets properties that pose an extreme nuisance to the neighborhoods and surrounding communities, initiates graffiti vandalism lawsuits and DWI vehicle forfeitures. Attorneys assigned to the Safe City Strike Force also oversee the Metropolitan Traffic Court Arraignment Program, which negates the need for police officers to be present at traffic arraignments. The Legal Department, through its Real Property Division, is responsible for the management, acquisition, disposal, and coordination of City real property. The Legal Department's Utility Franchising Office is responsible for negotiating franchise renewals, providing consumer protection to cable subscribers and serves as contract manager for the education and public access channels.



### MISSION

To provide timely and quality legal services at a reasonable cost to the Mayor's Office, City Council and City agencies and to represent the City of Albuquerque in litigation in state and federal courts and administrative hearings.

Operating Fund Expenditures by Category (\$000's)	ACTUAL FY/03	ORIGINAL BUDGET FY/04	REVISED BUDGET FY/04	ESTIMATED ACTUAL FY/04	APPROVED BUDGET FY/05	APP 05/ EST ACT 04 CHG
Personnel	4,138	5,069	5,011	4,811	5,179	368
Operating	730	872	868	891	873	(18)
Capital	39	11	11	20	7	(13)
Transfers	79	90	89	88	188	100
<b>TOTAL</b>	<b>4,986</b>	<b>6,042</b>	<b>5,979</b>	<b>5,810</b>	<b>6,247</b>	<b>437</b>
<b>TOTAL FULL TIME POSITIONS</b>	<b>63</b>	<b>73</b>	<b>73</b>	<b>73</b>	<b>76</b>	<b>3</b>

### BUDGET HIGHLIGHTS

For the FY/05 budget, the department reorganized its program strategies and service activities to better align Legal services with Council adopted goals and objectives. Emerging from the reorganization is the creation of the Safe City Strike Force program strategy. The Safe City Strike Force consists of representatives from various departments, including Legal, APD Criminal Nuisance Abatement Unit, Planning Department Zoning, Housing Code and Enforcement Divisions, Albuquerque Fire Department, and representatives from the District Attorney's Office. Within the Legal Department, the Safe City Strike Force is responsible for initiating nuisance abatement enforcement actions in State District Court, initiating civil complaints for graffiti vandalism, initiating DWI vehicle forfeiture proceedings, and overseeing the Metropolitan Traffic Court Arraignment Program. The current staff working in the Safe City Strike Force consists of six attorneys, four paralegals, and one legal secretary. Due to an increase in enforcement actions, and a change in the DWI Vehicle Forfeiture law that allows the forfeiture of vehicles after the second DWI arrest, the FY/05 budget includes funding for two additional attorneys and a legal secretary position.

All four positions assigned to the Utility Franchising Office program strategy were transferred to service activities located in Legal Services.

Intra-year position movements include the transfer of an attorney position from Legal's Utility Franchising Office to the Department of Municipal Development. A new legal secretary position was created to work in the DWI Vehicle Forfeiture program and is being funded with the proceeds of seized vehicles.

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(\$000's)	ACTUAL FY/03	ORIGINAL BUDGET FY/04	REVISED BUDGET FY/04	ESTIMATED ACTUAL FY/04	APPROVED BUDGET FY/05	APP 05/ EST ACT 04 CHG
<b>PROGRAM STRATEGY BY GOAL:</b>						
<b>GOAL 2: PUBLIC SAFETY</b>						
<b>GENERAL FUND 110</b>						
Safe City Strike Force	0	0	0	0	899	899
Total General Fund - 110	0	0	0	0	899	899
<b>TOTAL GOAL - 2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>899</b>	<b>899</b>
<b>GOAL 8: GOVERNMENTAL EXCELLENCE AND EFFECTIVENESS</b>						
<b>GENERAL FUND 110</b>						
Legal Services	3,927	4,745	4,780	4,731	4,861	130
Real Property	363	513	513	444	487	43
Utility Franchising Office	696	784	686	635	0	(635)
Total General Fund - 110	4,986	6,042	5,979	5,810	5,348	437
<b>TOTAL GOAL - 8</b>	<b>4,986</b>	<b>6,042</b>	<b>5,979</b>	<b>5,810</b>	<b>5,348</b>	<b>(462)</b>
<b>TOTAL APPROPRIATIONS</b>	<b>4,986</b>	<b>6,042</b>	<b>5,979</b>	<b>5,810</b>	<b>6,247</b>	<b>437</b>

## REVENUE

There is no significant change in anticipated revenues for FY/05.

Department Generated Fees for Services (\$000's)	ACTUAL FY/03	ORIGINAL BUDGET FY/04	ESTIMATED ACTUAL FY/04	APPROVED BUDGET FY/05	APP 05/ EST ACT 04 CHG
Legal Services	1,547	2,182	2,083	2,183	100
Legal Costs -- Foreclosures	4	4	15	4	(11)
Legal Fines	42	30	0	0	0
Mediation Land Use Fees	0	0	20	40	20
Law Enforcement Protection	0	0	35	35	0
Special Legal Counsel	407	384	340	340	0
Real Property Services	134	70	70	70	0
Rental of City Property	160	120	120	120	0
Sales of Real Property	(361)	70	30	30	0
Sales of Other Property	5	30	0	0	0
County Shared Operations	30	30	30	30	0

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## PRIOR YEAR ACCOMPLISHMENTS

- Nuisance Abatement negotiated with 4 bars identified as the most violent in Albuquerque.
- Secured an Injunction for the closure of a nuisance flea market on Old Coors Rd.
- Enforcement action against the Blue Spruce Lounge with the property purchased and the establishment permanently closed.
- Collected \$6,000 of restitution against graffiti vandals.
- Initiated approximately 1,200 DWI vehicle forfeiture actions.
- Negotiated approximately 30 thousand plea and disposition agreements in Metropolitan Traffic Court.
- Assisted in the condemnation of 35 properties and enforcement action taken against approximately 600 residential and commercial properties.



- Continue to handle all litigation against City defendants with only those cases going to outside counsel that involve conflicts of interest.
- Reviewed contracts with regard to Albuquerque Bicycle Park, Freedom Fourth, SMG-Convention Center, RedFlex-photo radar, Permalog-water leak monitoring system, Balloon Museum exhibits, and Case Management system for Planning Dept.
- Drafted and defended three (3) Sex Offender Registration laws that make Albuquerque one of the toughest places in the nation on sex offenders.
- Worked with the State of NM Legislature to lengthen jail time for convicted sex offenders.
- Worked on one of the most comprehensive and strict Animal Ordinances in the nation.
- Worked on legislation and ordinances to allow Albuquerque to use red light cameras to issue citations to red light violators.
- Negotiated and drafted innovative Development Agreement to provide City utilities to Indian lands within the City in exchange for agreement by the Indian Pueblo Federal Development Corporation to follow city laws, develop the property under city ordinances and follow the City's zoning laws.
- Obtained a winning decision in the City vs. Baca case denying them millions of dollars claimed.
- Collected \$346,489 in Special Assessment Foreclosures.
- Drafted/reviewed documents creating Secondary Developer Agreements in regards to the Gym and Library at Old Albuquerque High School Development Project which will net the City approximately \$200,000 in profit.
- Co-Counsel in the City of Albuquerque v. Farmers Market case, which resulted in a settlement in favor of the City in the amount of \$250 thousand.
- Acquisition of Graham Bosque, Blue Spruce Lounge, remaining Petroglyph properties, property for fire stations #5 and #21 and approximately 10 Metropolitan Redevelopment properties.
- Obtained Right-of-Ways for Golf Course, McMahon, Gibson, Jefferson/Ellison Boulevards and easements for the Rio Grande Bike Trail.

# LEGAL

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<b><i>PRIORITY OBJECTIVES/COUNCIL DIRECTIVES</i></b>
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**PUBLIC SAFETY GOAL:** CITIZENS ARE SAFE, FEEL SAFE AND SECURE, AND HAVE TRUST AND SHARED RESPONSIBILITY FOR MAINTAINING A SAFE ENVIRONMENT.

- To improve neighborhood quality of life and public safety, initiate 70 board-ups, 20 condemnations, 40 graffiti vandalism lawsuits, and 1200 DWI vehicle forfeitures in FY/05.